

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Adv. Pro. No. 11-02540 (CGM)

Plaintiff,

v.

LION GLOBAL INVESTORS LIMITED,

Defendant.

SCHEDULING ORDER ON JURISDICTIONAL DISCOVERY

Plaintiff Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the chapter 7 estate of Bernard L. Madoff, and defendant Lion Global Investors Limited (“Defendant,” and with the Trustee, the “Parties”), by and through their respective undersigned counsel, state as follows:

WHEREAS, on August 18, 2011, the Trustee commenced adversary proceeding number 11-02540 (the “Action”) by filing a complaint asserting claims against Defendant to recover transfers allegedly received from Fairfield Sentry Limited, pursuant to 11 U.S.C. § 550 (the “Complaint”);

WHEREAS, on April 1, 2022, Defendant filed a motion to dismiss the Trustee’s Complaint, with a supporting memorandum of law, Declaration of James Tan Thian Peng, and Declaration of Ehud Barak (the “Motion”); on June 1, 2022, the Trustee filed an opposition to Defendant’s Motion with the supporting Declaration of Robertson D. Beckerlegge; and on July 1, 2022, Defendant filed a reply in further support of its Motion;

WHEREAS, on October 19, 2022, Parties appeared before the Court for oral argument on the Motion and the Court ordered the Parties to engage in personal jurisdiction discovery; and

WHEREAS, the Parties have consulted and agreed upon the following proposed schedule to complete personal jurisdiction discovery;

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. All personal jurisdiction discovery is to be completed by **November 6, 2023** (“Jurisdictional Discovery Cut-Off Date”);
2. Parties shall serve initial requests for production of documents and initial set of interrogatory questions on each other by **January 23, 2023**;
3. Parties shall serve responses and objections to the initial requests for production of documents and initial set of interrogatory questions by **April 3, 2023**;
4. Parties shall substantially complete the production of document discovery to which there are no objections by **April 26, 2023**;
5. The parties shall meet and confer in an attempt to resolve any objections by **April 17, 2023**;

6. In the event the parties are unable to resolve their differences during the meet and confer, the parties shall comply with Judge Morris's chamber rules regarding discovery disputes and request a conference with the court to raise any unresolved discovery disputes by **May 17, 2023**;
7. Parties may serve additional requests for production of documents and interrogatory questions as needed, provided they are served at least 45 days before the Jurisdictional Discovery Cut-Off Date;
8. Parties may serve Requests for Admission as needed, provided they are served at least 45 days before the Jurisdictional Discovery Cut-Off Date;
9. The Trustee anticipates the potential need for discovery located outside of the United States. To obtain discovery from any such individuals and entities, the Trustee anticipates the need to proceed under the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, letters rogatory, and/or other internationally recognized means of obtaining cross-border discovery (collectively, "International Discovery"). Requests for International Discovery should be filed by **June 26, 2023**. To the extent the Parties avail themselves of International Discovery procedures, they will not be deemed to have waived, prejudiced, or otherwise altered any right they might have to conduct discovery under the Federal Rules, the Local Bankruptcy Rules for the Southern District of New York (the "Local Rules"), or other applicable domestic rules. To the extent that responses to International Discovery are not received by the Jurisdictional Discovery Cut-Off Date, the deadlines set forth herein will need to be extended accordingly;
10. The Trustee shall file either a supplemental memorandum in opposition to the motion to dismiss or a motion for leave to amend the complaint by **January 8, 2024**;

11. Defendant shall file an opposition to the Trustee's memorandum or opposition to the motion by **March 8, 2024**; and
12. In the event the Trustee files a motion for leave to amend the complaint, the Trustee shall file a reply in further support of his motion by **April 8, 2024**.

Date: December 8, 2022
New York, New York

By: /s/ Robertson D. Beckerlegge
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Liquidation of Bernard L. Madoff
Investment Securities LLC and the
Chapter 7 Estate of Bernard L. Madoff*

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*Attorneys for Defendant Lion Global
Investors Limited*

SO ORDERED.

Dated: December 9, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge